

REMARKS

Claims currently presented are claims 5 and 6. Claims 1-4 have been cancelled. New apparatus claim 6 is similar to allowed method claim 5 and is directed to the embodiment of the invention described in conjunction with Figs. 9, 10A and 10B where air bubbles collected inside the filter 41 are exhausted through the flow path 51.

The amendment to paragraph [0063] of the specification is to correct an obvious typographical error.

Applicant acknowledges Examiner's indication that claim 5 is allowable.

In the referenced Office Action, Examiner rejected claims 1-4 under Section 103(a) on the basis of U.S. patent 6,539,986 to Yajima and certain other references. To the extent that the Examiner may rely upon Yajima in conjunction with the examination of the currently presented claims, applicant points out that Yajima does not qualify as a prior art pursuant to Section 103(c). Yajima and the present application were commonly owned by Koganei Corporation at the time the current invention was made. Furthermore, the Japanese priority date of the present application is December 27, 2001, which precedes the publication date of April 11, 2002 of Yajima. Accordingly, Yajima is not an appropriate reference against any of the claimed subject matter in the present application.

Simultaneously with the submission of this amendment, Applicants are submitting an Information Disclosure Statement which cites the Japanese Published Patent Application No. 4-18958 (hereinafter '958 Publication). In presenting claim 5 and new claim 6 above, applicant has taken into consideration the '958 Publication. In particular, in contrast of the '958 Publication, claims 5 and 6 have an exhaust flow path that communicates with the inlet side of the filter through a deaeration valve for extracting air from the system and thereby enabling the discharge of chemical liquid with great accuracy.

Favorable consideration is respectfully requested.

Applicant believes that no additional fees are due in connection with this Amendment and Response. If any additional fees are deemed necessary, authorization is hereby given to charge any such fees to Deposit Account No. 13-0235.

Respectfully submitted,

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